

WYOMING



**Special
Recreation
Permit
Information
for**

Guiding and Outfitting

On BLM Administered Public Lands





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer To:

8300 (931)

Dear Visitor Service Partner:

Thank you for your interest in providing outfitter/guide service to visitors of the Bureau of Land Management's (BLM) administered public land. This booklet contains information on obtaining a BLM Special Recreation Permit for your outfitting and guiding activities. Also included is information on procedures for keeping your permit up to date.

The professional services you provide enhance the public's ability to participate in recreation opportunities. We will work with you as a visitor service partner as you venture into your outfitting and guiding activities. We welcome your comments on ways to improve this partnership.

Any questions you have regarding outfitter licensing requirements should be directed to the Wyoming State Board of Outfitters and Professional Guides, 1750 Westland Road, Cheyenne, Wyoming 82002, telephone:

307-777-5323 or 1-800-264-0981.

For information on hunting licensing, please contact the Wyoming Game and Fish Department, 5400 Bishop Blvd., Cheyenne, Wyoming 82006-0001, telephone: (307) 777-4600.

For additional information on BLM's Special Recreation Permits, please contact any of the BLM Field office locations identified on page 8 of this handbook.

Sincerely,

Acting State Director

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Introduction

The basic objectives of the Bureau of Land Management's (BLM) Special Recreation Permit (SRP) system are to satisfy recreation demand within allowable use levels in an equitable, safe and enjoyable manner while minimizing resource impacts and user conflicts. Fees for SRPs are intended to recover at least part of the cost of issuing and administering the permit, plus provide a fair return to the government for the opportunity to make a profit while using BLM administered public lands.

This booklet outlines the basic requirements for SRPs for outfitting and guiding activities on BLM administered public lands in Wyoming. There are also instructions for prospective applicants to follow in applying for a SRP and for completing and submitting required post-season reports.

SRP Requirements

When permits are required...

Permits are required for all commercial outfitting and guiding activities on public lands for business or financial gain. "Commercial use" is defined as the recreational use of the public lands for business or financial gain. When any permittee, employee, or agent of a permittee, operator or participant makes or attempts to make a profit, salary, increase his business or financial standing, or supports, in any part, other programs or activities from amounts received from or for services rendered to customers or participants in the permitted activity, as a result of having the SRP, the use will be considered commercial.

Length and scope of permits

BLM permits authorize commercial use only on public lands managed by BLM. BLM has no authority to permit or regulate recreation use of non-BLM lands (e.g., private, state, National Forest, etc.). For a hunting outfitter permit, the applicant must be able to obtain prior to the actual use period, an outfitters license from the Wyoming State Board of Outfitters and Professional Guides (WBOPG) as required by Wyo-

ming State Law. Currently, only big game outfitters and guides are required to obtain a WBOPG license. If the outfitter does not obtain a WBOPG license, the BLM permit will not be issued or will be null and void if previously issued.

Permits may be issued for periods of one to five years, depending on such things as the type of outfitting activity proposed, the area in which it is to occur, and the past record of the potential permittee. The first year of a multi-year permit is a probationary period. For hunting outfitter permits, the permit authorizes use only in those hunt areas in which the permittee also holds WBOPG area authorizations (see the section on WBOPG authorizations). For fishing, river use, and other outfitting services, the permit authorizes use only on the particular river or public land area in which commercial activities are proposed.

However, only one permit is necessary to operate on the public lands managed by BLM in Wyoming. For example, an outfitter may have WBOPG area authorizations for antelope hunt areas 57 (within the Rawlins BLM Field Office), and 73 (Casper BLM Field Office), and the outfitter may live in Rawlins. He or she need only obtain one permit authorizing use on both hunt areas. The BLM office issuing the permit will contact the other affected offices to ensure that the permit may be issued for areas under their jurisdiction.

Use Fees

There is a minimum nonrefundable yearly fee for commercial permits. Overall, the use fee for a commercial permit is 3% of the gross income or the minimum fee, whichever is greater. The minimum yearly fee is adjusted periodically to reflect changes in fair market value. Check with your local BLM Field Office for the current minimum fee.

The 3% figure may be further reduced due to discounts for time spent off public land and deductions for off-site transportation and lodging costs borne by the outfitter. Table 1 illustrates how time spent off public land would reduce the fees due BLM.

Table 1

Percent of Total Time on Public Lands or Related Waters	Fee Reduction	Multiplication Factor
Less than 5%	80%	.20
5-60%	40%	.60
61-100%	None	None

Deductions shall be allowed for certain transportation and lodging costs borne by the permittee before arrival at the beginning of a trip, and after departure at the end of a trip from a permittee's headquarters or local community. These deductions **DO NOT** include costs incurred between the permittee's headquarters or local community and the public lands, or for costs incurred during the trip regardless of public or private land status. **The permittee is required to provide a signed Trip Log** (form WY 8300-5 located in the back of this booklet), **signed Operating Plan** (form WY 8300-4 located in the back of this booklet), **lodging receipts or other information specified by the authorized officer to support requests for fee reductions and deductions.** See *Post Use Reports* fee calculations for more detail.

The minimum yearly fee must be paid in advance of the use season and is nonrefundable. If a permittee's use results in more fees owed to the BLM, the fees will be assessed during the post-use reporting procedures.

For those outfitters who wish to reserve a campsite on public lands, a yearly site reservation fee will be required. This must be paid in advance of the use season. See the section titled Outfitter Camps on Public Lands for the requirements concerning camp location on public land.

Insurance

A property damage, personal injury, and comprehensive public liability insurance policy is required on all commercial permits to provide restitution for damage or injury to participants or spectators, to privately owned resources, and to protect the United States from litigation resulting from actions taken or caused by the permittee or participants.

At a minimum, the permittee shall have in force public liability insurance covering: (1) damage to property in the amount of twenty five thousand dollars (\$25,000); and (2) damage to persons (bodily injury or death) in the amount of three hundred thousand dollars (\$300,000) per occurrence. The policy shall have a minimum aggregate limit of six hundred thousand dollars (\$600,000). The coverage shall extend to property damage, bodily injury, or death arising out of the permittee's operations under the permit, including, but not limited to, the occupancy or use of the lands, structures, facilities, or equipment authorized by the permit. The insurance shall name the United States as additional insured and provide for specific coverage for the permittee's contractually assumed obligation to indemnify the United States. The policy shall also contain a specific provision or rider to the effect that the policy shall not be canceled or its provisions changed or deleted before (30) days written notice by the insurance company to the BLM. The permittee shall indemnify and hold harmless the United States against any liability for personal injury, loss of life, or property damage arising in any way from activities under the permit.

The permittee must submit a valid certificate of insurance covering the authorized activity prior to initiating operations. The authorized officer may require the permittee to furnish a copy of the insurance policy. The name on the insurance policy or certificate of insurance must be the same as the name on the permit. Those permittee's holding insurance policies which only insure the permittee and not the permittee's employees must ensure that their employees also have the required insurance in effect, and that a certificate of insurance is furnished to the authorized officer. For multi-year permits, the insurance need only be valid during periods of actual use.

Bonds

The authorized officer may require the posting of a cash, surety bond, or other guarantee in such amount as the authorized officer determines to be sufficient to defray the cost of restoration, reclamation, or rehabilitation of

public lands affected by the permit. Bonds and guarantees will be returned to the permittee upon satisfactory compliance of permit stipulations, including any reclamation or rehabilitation requirements.

Content of Permit Applications

All permit applications must include:

- Two completed and signed Special Recreation Application and Permit forms (see form 8370-1 in the back of this booklet).
- Highlighted maps showing all proposed use areas on public land. For hunting outfitters, the Wyoming Game and Fish Department maps on their regulations are usually sufficient. For pack trips and wagon trips, the map should show routes, parking areas, and staging areas. For fishing or floating outfitters, show rivers, lakes, etc., and launch/take-out points, if applicable. The authorized officer may require detailed land status maps of use areas.
- Photocopies of all WBOPG area authorizations. If you do not have WBOPG area authorizations at the time of applying for an SRP, you must submit these as soon as possible.
- A certificate of insurance indemnifying the U.S. Government as a coinsured.
- Legal description or map showing proposed camp locations on public land.
- A signed Operating Plan (see form WY 8300-4 in the back of this booklet).

Please check your application to make sure it is completely and accurately filed. Any omissions or errors will delay processing.

WBOPG Authorizations

Hunting outfitters and guides are required to submit all current WBOPG hunt area authorizations to the issuing BLM Field Office by August 1 of each year of a multi-year permit. If supplemental WBOPG hunt area authorizations are obtained after August 1, a photocopy must be sent immediately to the Field Office issuing the permit.

Terms and Conditions

1. General Terms - In addition to the terms included on SRP Form 8370-1, the following general terms are applicable to and made part a part of all commercial special recreation permits.

- A. The permittee shall comply with all Federal, State and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
- B. A Special Recreation Permit authorizes special uses of public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations.
- C. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
- D. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.

- E. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half of the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
- F. All advertising and representations made to the public and the authorized officer must be accurate. Although the address and phone numbers of the BLM may be included in the materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM.. The permittee may not portray or represent the permit fees a special Federal user's tax. The permittee must furnish the authorized officer with any brochure and price list if requested by the authorized officer.
- G. The permittee must assume responsibility for inspecting the permitted area for any existing hazardous conditions, e.g. trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
- H. In the event of default on a mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
- I. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
- J. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on the equipment used during the period of authorized use.
- K. The authorized officer, or duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent for up to 3 years after expiration of the permit.

Wyoming BLM Stipulations

In addition to the General Terms and the conditions on the SRP Form 8370-1, the Wyoming BLM has established the following additional stipulations designed to protect the lands or resources involved, reduce user conflicts, or minimize health and safety hazards. These stipulations are a legal part of the permit and must be left attached to the permit. Additional stipulations may be developed by the authorizing Field Office to protect the land resources involved, reduce user conflicts, or minimize health and safety issues. The permittee must have the permit (or legible copy) in possession during use in permitted areas. Please make sure that these are fully understood because failure to comply may result in the loss of permit privileges.

General Stipulations

- A Post Use Report must be returned to the authorized officer by December 31 for every year the permit is in effect (see form WY 8300-3 in back of booklet). If the post use report is not received by Jan. 31 of the following year, the permit will be suspended.

- The applicant/permittee is required to contact private landowners whose property is affected by the use associated with this permit. Evidence that permission has been obtained to use private property must be available upon request.
- No alterations to the intended use area will occur without first contacting the authorized officer for permission to revise the permit.
- The permittee must notify the authorized officer immediately of any supplemental area authorizations obtained from the WBOPG.
- This permit shall not be construed in any way so as to prevent public use or access on any public land except as expressly allowed under this permit.
- If use exceeds the minimum yearly fee, an additional payment will be required. This permit will only remain valid if annual fees have been paid.
- The applicant/permittee is required to provide the authorized officer with a copy of a valid insurance policy or proof thereof for as long as the permit remains in effect.
- All motor vehicles will remain on existing roads and trails or in accordance with existing off-road vehicle designations.
- If a permittee's performance is found to be unsatisfactory, the authorized officer can modify or revoke this permit at any time.
- Only signs authorized by the BLM in writing will be permitted on public lands.
- There will be no harassment of livestock, wildlife, wild horses, or destruction of private and public improvements such as fences and gates. Gates will be left open or closed, as they were found.
- use. This includes such things as corrals, picnic tables, hanging poles, etc.
- All camps will be located at least 100 feet from live water. Camps will be out of sight of trails, roads, and other campers, where possible.
- Camps and use areas will be maintained in a neat and clean condition with no litter.
- All noncombustible refuse and all unburned combustible refuse must be carried out of the area and disposed of in a county approved disposal site. Burying garbage in garbage pits is prohibited.
- The use of small portable toilets is encouraged. When necessary, sanitation facilities will consist of a slit trench or pit toilet 8 to 10 inches in diameter and 6 to 18 inches deep. Facilities will be placed in porous soil in high ground at least 100 feet from all water sources. After use, fill the hole with loose soil and tamp in the top soil or sod on top. Nothing other than human waste may be deposited in a pit toilet. Use a single large latrine around camp rather than several small ones because of the composting effect.
- Cutting or removing any live plant material is prohibited.
- It is recommended that the use of campfires be kept to a minimum. Stoves are often the best option. Campfires should be small, never left unattended and kept under control. Firewood should not be wasted on excessively large fires.
- Scatter fire rings, firewood, and otherwise attempt to restore the camp location to its apparent natural condition.

Overnight Use

- The applicant/permittee will not establish a campsite for overnight use on public lands without first notifying and receiving approval from the authorized officer.
- No permanent structures or improvements will be allowed to remain after the permitted

Livestock Use

- When feed for livestock is provided by the permittee, it must be certified weed-seed free by the County Weed and Pest Control. It is recommended that weed-free oats or pelleted feeds be used rather than hay. Forage products subject to this weed-free rule includes oats, hay, cubes or other pelleted feeds, straw and mulch.

- When the permittee is authorized to graze riding or pack stock on public lands, fees for that use will be based on rates prescribed for grazing under the regulations for range management.
- All animals will be under control enroute and in camp to protect wildlife, other livestock, and range forage.
- Do not tie, corral, or picket animals within 200 feet of any lake, stream, spring, main trail, or developed campground. If it is necessary to keep stock tied for any length of time, select a site where damage to vegetation is minimized.

Where to Apply

Applications should be filed with the BLM Field Office administering the public lands where most of the proposed use would occur. However, applications may also be filed at the BLM Field Office nearest the outfitter's home address or headquarters. For BLM Field Office locations, please refer to the directory located in this booklet. General information may be obtained from the BLM Wyoming State Office listed in the directory.

Post Use Reports and Fee Calculations

General

Post Use Reports are used to determine if further fees are due BLM and to document the amount of visitor use on public land. Post Use Reports must be submitted to the office which issues the permit by December 31 for every year the permit is in effect (see form WY 8300-3 in back of booklet). Make sure that you sign and date the form.

Instructions for Completing the Post Use Report

Use fee calculations:

Item 1. Total gross income:

This is the total of all receipts from your permitted activity.

Item 2. Deductions:

Note: The permittee is required to provide a signed Trip Log (form WY 8300-5 located in the back of this booklet), **signed Operating Plan** (form WY 8300-4 located in the back of this booklet), **lodging receipts or other information specified by the authorized officer to support requests for fee reductions and deductions.**

Transportation costs - enter either the actual amount paid to others or 36.5 cents per mile per vehicle and 97.5 cents per mile per aircraft, to provide transportation for clients to the local community or permittee's headquarters. The intent is to allow adjustments for costs paid or borne by commercial permittees in bringing their clients to local communities or permittee's headquarters prior to the trip, or returning them from such points after the trip.

The intent is **NOT** to allow deductions for transportation costs between the local community or permittee's headquarters and the public lands.

The transportation cost adjustment is to be used for pre and post-trip transportation only. Adjustments for the percent of time spent off public lands discussed below does not apply to pre and post-trip transportation, as this would create a double adjustment. Allowable transportation adjustments apply to both single day and multi-day trips.

For further clarification for calculating the percent of time off public lands use fee adjustment a trip is defined as: The time the hunter, client or participant spent with the outfitter that starts either after the first night's lodging or when the hunter begins participating in the advertised use. The trip is typically advertised by the outfitter as a five day hunt or a three day river trip. Each day of outfitted service is not considered a trip. A trip is usually the cumulation of several consecutive days. A trip ends when the client returns to the outfitters headquarters or lodge for the last night's lodging.

Lodging costs - Enter the actual amount paid for lodging costs paid for or borne by commercial permittees which are incurred on non-public lands before or after the permitted activity.

Costs paid for or borne by commercial permittees for lodging on non-public land during the trip may not be deducted; however, the time spent at such lodging may be applied to the percent of time spent off public land.

Items 3, 4 and 5. Self explanatory.

Item 6. Fee adjustment factor:

A deduction will be allowed for time spent off public (BLM) land from the time and date of entry to the time and date of exit. This adjustment will be based on the percent of total time spent on BLM administered public lands. To determine the fee adjustment factor, first determine the percent of time spent on public lands for the permitted activity requiring Trip Log verification, then refer to Table 1 (page 2) to get the multiplication factor. Enter this figure in Item 6.

Item 7. Self explanatory.

Item 8. Use fee multiplier:

This figure will always be .03 (3%).

Item 9. Self explanatory.

Item 10. Amount due BLM:

Subtract minimum fee already paid BLM from Line 9 and enter amount due BLM. If the minimum fee is greater than Line 9, enter 0.

Visitor Use Date

Number of days on BLM:

Enter the number of times your clients spent all or part of a day on BLM land. Count part-days as whole days. For example, if you took a party of hunters to the field, and they spent only the morning on BLM land, it would be counted as 1 day.

Number of participants:

Enter the number of clients you had for the permitted use.

Hunt area used/Number of hunters:

List each hunt area used and the number of hunters you took to those areas. Example: if you took 4 hunters to antelope area 57, 10 to antelope area 62, and 7 to deer area 98, you would enter 57/4, 62/10 on the antelope line, and 98/7 on the deer line.

Annual Evaluation

The BLM will conduct an annual evaluation for all outfitters holding BLM Special Recreation Permits. The evaluation will assess adequacy of permittee performance including payment of use fees, liability insurance policy, performance bonds, operating plans, permit violations, public complaints and other information as appropriate. Four different performance levels are recognized: superior, acceptable, probationary and unacceptable. An Annual Evaluation (form WY 8300-2) is included in the back of this booklet.

Outfitters Camp on Public Lands

Need For Authorization

All outfitter camps on public land must be authorized in advance by the office issuing the permit. Authorization is needed any time a permittee plans to camp on public land, whether it be base camps or “progressive camps.” Authorization for a camp is given only for that season of use when it would be used for the permitted activity, but the authorization is valid for the life of the permit. Check with the issuing office to see if outfitter camps may be authorized in the area in which you are interested.

An Operating Plan (see form WY 8300-4 located in the back of this booklet) will be required for overnight outfitter camps. The plan needs to specify the extent of facilities that will be provided and measures that will be implemented to protect resources and reduce safety hazards.

Site Reservation Fee

A yearly site reservation fee will be assessed when a specific area is reserved for a specified time for commercial activities. This fee must be paid advance of the intended use. Where no specified camps are used (e.g., “progressive

camps”) and there are no reservations of the site specifically for the permittee, no site reservation fee is necessary. The intent of site reservations is to ensure legitimate camping use by outfitters.

Non-Use of Camps

The permittee with a reserved campsite may take one year of non-use under a multi-year permit without paying for the camp, if the authorized officer concludes the non-use is beyond the permittee’s control.

The permittee must reserve the camp (i.e., pay for its reservation) and physically use the camp the following years of a multi-year permit or run the risk of losing the camp authorization as determined by the authorized officer.

If the authorized permittee takes a non-use year, the camp may be authorized to another

outfitter for that particular year; the new outfitter will be required to pay the site reservation fee.

Limited Areas

There are certain areas in which limits have been established on the number of allowable outfitter permittees and/or overnight camps. Check with the appropriate BLM Field Office for the up-to-date information regarding these areas.

Cost Recovery

If more than 50 hours of BLM staff time is required for processing a permit, cost recovery may be charged in addition to the commercial use fee. Applicants should meet with the BLM to discuss cost recovery fees if more than 50 hours, of BLM staff time, are anticipated.

BLM Office Directory

Wyoming State Office
5353 Yellowstone Road
P.O. Box 1828
Cheyenne, WY 82003-1828
(307) 775-6256

Buffalo Field Office
1425 Fort Street
Buffalo, WY 82834-2436
(307) 684-1100

Casper Field Office
2987 Prospector Drive
Casper, WY 82604
(307) 261-7600

Cody Field Office
1002 Blackburn
P.O. Box 518
Cody, WY 82414-0518
(307) 578-5900

Kemmerer Field Office
312 Highway 189 North
Kemmerer, WY 83101-9711
(307) 828-4500

Lander Field Office
1335 Main
P.O. Box 589
Lander, WY 82520-0589
(307) 332-8400

Newcastle Field Office
1101 Washington Boulevard
Newcastle, WY 82701-2968
(307) 746-6600

Pinedale Field Office
432 East Mill Street
P.O. Box 768
Pinedale, WY 82941-0768
(307) 367-5300

Rawlins Field Office
1300 North Third
P.O. Box 2407
Rawlins, WY 82301-2407
(307) 328-4200

Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901-3447
(307) 352-0256

Worland Field Office
101 South 23rd
P.O. Box 119
Worland, WY 82401-0119
(307) 347-5100